IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.11.2006

CORM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
and
THE HON'BLE MR. JUSTICE S. TAMILVANAN

Writ Appeal No.1897 of 2003
and WAMP.No.3200 of 2003

The Chairman/Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai 35. .. Appellant(2nd Respondent in WP.No.6924/98)

Vs.

1. P.C. Sekar @ P. Chandrasekara Pandian (died)

2. State of Tamil Nadu rep. by its
   Secretary, Housing & Urban Development
   Department, Fort St. George
   Chennai 9.

3. The Special Dy. Collector
   Land Acquisition
   Tamil Nadu Housing Board
   Chennai.

4. The Land Acquisition Officer
   and Special Thasildar
   Land Acquisition IV
   TNHB Scheme
   Nandanam, Chennai.

5. Selvi
6. Minor Kariya
7. Minor C. Vivek
   (R.5 to R.7 brought on records as LRs.
   Of the deceased first respondent vide
   order of this Court dt.20.11.2006
   made in WAMP.No.1794 of 2006.) .. Respondents

(Minor rep by their mother
and guardian Selvi 5th Respondent)

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 26.04.2001 passed by His Lordship the Hon'ble Mr. Justice K. Raviraja Pandian in Writ Petition No.6924 of 1998.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

Writ Petition No.6924 of 1998:- Presented under Article 226 of the Constitution of India to issue a writ of certiorarifiled Mandamus, calling for the records relating to Na.Ka.No.2331/8/F1, dated 19.3.1997 on the file of the fourth respondent and to quash the impugned award No.1/97 on the file of the fourth respondent for hearing the respondents from acquiring the lands in pursuance of the impugned 4(1) Notification issued in G.O.Rt.No.124 Housing dated 8.5.1975 and published the same in Govt Notification No.II(2) Hou/1861/75 at pages 17 to 25 of supplement to part II sec of Tamil Nadu Govt Gazette dated 11.6.75 and Sec 6 declaration issued in G.O.Ms.No.903, Housing dated 9th June 1978 and published in Tamil Nadu Govt Gazette in No.II (2) HOU/2652/CC-8708 as they have lapsed in respect of the lands in S.No.385, 386 and 387 of an extent of 4 acres 22 cents situated at Nerkundram Village, Saidapet Taluk, Changalpattu District.

For appellant : Mr. K. Chelladurai
For respondents : Mr. P. Subramanian
Government Advocate for R.2 to R.4

Mr. J.R.K. Bhavanandam for R.5to7

..

JUDGMENT

(Judgement of the Court was delivered by P.SATHASIVAM,J.)

It is not in dispute that the matter in issue is covered by a Division Bench decision of this Court dated 13.09.2006 made in W.A.Nos.1641 to 1650 and 1895 and 1896 of 2003 (The Chairman and Managing Director, Tamil Nadu Housing Board vs. Sakunthala Chowdhary rep. by her Power of Attorney Pawan Chowdhry and others). By following the conclusion arrived at by the Division Bench in the above cited case, the writ appeal is allowed and the order of the learned single Judge is set aside. No costs. Consequently, connected WAMP., is closed.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary, Housing & Urban Development
Department,Fort St. George
Chennai 9

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

2. The Special Dy. Collector
   Land Acquisition
   Tamil Nadu Housing Board
   Chennai.

3. The Land Acquisition Officer
   and Special Thasildar
   Land Acquisition IV
   TNHB Scheme
   Nandanam, Chennai.

+ 1 cc to Mr. K. Chelladurai, Advocate SR No. 56465

+ 1 cc to Mr. J.R.K. Bhavanandam, Advocate SR No. 56037

Judgement in
W.A.No.1897 of 2003

JRG(CO)
SR/29.11.2006

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/